

05-30-00

604-1638

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL (Small Entity)**

MAY 26 2000

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

SALK1520-1

DUPLICATE (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

Ronald M. Evans

S. Kaushal

1633

Address to:
Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

This is a request for filing a continuation or divisional application under 37 CFR 1.53(d), (continued prosecution lication, application (CPA)) of prior application number 09/042,488 filed on March 16, 1998 and entitled:

METHOD FOR MODULATING EXPRESSION OF EXOGENOUS GENES IN MAMMALIAN SYSTEMS, AND PRODUCTS RELATED THERETO

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent is enclosed.
5. Small Entity Status:
 - a. A small entity statement is enclosed.
 - b. A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
6. The fee for this application is calculated as follows:

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|---|--------|----------|--------|-------------------------|----------|
| Total Claims | 46 | - 20 = | 26 | x \$9.00 | \$234.00 |
| Indep. Claims | 7 | - 3 = | 4 | x \$39.00 | \$156.00 |
| Multiple Dependent Claims (check if applicable) | | | | | \$0.00 |
| | | | | BASIC FEE | \$345.00 |
| | | | | TOTAL FILING FEE | \$735.00 |

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7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8. A check in the amount of \$735.00 is enclosed. (Check No. 443802)

9. An Information Disclosure Statement (IDS) is enclosed:

- a. PTO-1449
- b. Copies of IDS Citations

10. Also enclosed:

Exhibit A to Preliminary Amendment,

Petition for Extension of Time,

Check No. 443815 in the amount of \$435.00 for payment of fee to file Petition for 3-Month Extension of Time

Certificate of Express Mailing, and

Return-addressed postcard

11. The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

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NOTES

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FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

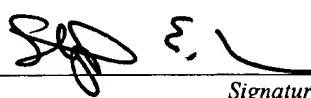
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: May 26, 2000


Signature

Stephen E. Reiter

Typed or printed name

31,192

Registration Number (if applicable)

Inventor(s)
 Assignee of complete interest
 Attorney or agent of record

cc: